

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN**

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RICHARD POPE, individually and on	)	
behalf of all other similarly situated,	)	
	)	
Plaintiff,	)	
	)	Case No. 2:17-cv-12185
v.	)	
	)	Honorable Bernard A. Friedman
GENERAL MOTORS COMPANY,	)	Honorable David R. Grand
et al.,	)	
	)	
Defendants.	)	

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**STIPULATION AND ORDER STAYING CASE**

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The parties to this case—Lead Plaintiff, KBC Asset Management NV, and Defendants, General Motors Company (“GM”), Daniel Akerson, Daniel Ammann, Mary Barra, and Charles Stevens—hereby stipulate and agree, subject to the Court’s approval, to stay this case until May 31, 2018, to permit the United States Environmental Protection Agency (“EPA”) to evaluate in the first instance Lead Plaintiff’s allegation that GM illegally employed “defeat devices” in the emissions systems of the 2011-2016 Chevrolet Silverado Duramax Diesel trucks and GMC Sierra Duramax Diesel trucks, both of which use Duramax diesel engines. In support of this stipulation, the parties respectfully state:

1. This is a securities fraud action brought under § 10(b) and § 20(a) of the Securities Exchange Act of 1934, by investors in GM common stock. On October 13, 2017, the Court appointed KBC Asset Management NV as lead plaintiff. (Docket #28) On October 27, 2017, the Court granted Lead Plaintiff until December 11, 2017, to file an amended complaint. (Docket #31)

2. The central allegation in this case is that GM installed emissions “defeat devices” in the Model Year 2011-2016 Chevrolet Silverado Duramax Diesel and GMC Sierra Duramax Diesel vehicles (the “Duramax Vehicles”) in violation of applicable EPA regulations, and then issued false or misleading statements pertaining or otherwise relating to GM’s compliance with those regulations.

3. GM has already apprised the EPA of the allegations made here (and in a related consumer case pending before Judge Ludington<sup>1</sup>) and has met with the EPA to discuss them. The parties believe the EPA not only has the information necessary to evaluate whether GM has used a “defeat device” in the Duramax Vehicles, but also has the specialized expertise and authority to make that determination. (*See In re Duramax Diesel Litig.*, No. 2:17-cv-11661, Docket #29, pp. 29-31)

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<sup>1</sup> *In re Duramax Diesel Litig.*, No. 2:17-cv-11661 (E.D. Mich.).

As a result, the parties to this case have agreed that the most efficient way to proceed with this litigation is to stay the case for a limited period to permit the EPA to evaluate in the first instance the allegations central to the claims here. Specifically, the parties have agreed the case should be stayed until May 31, 2018, after which Lead Plaintiff shall have 21 days to file an amended complaint or otherwise inform the Court and Defendants how it wishes to proceed.

**IT IS SO ORDERED.**

Dated: November 28, 2017

s/ Bernard A. Friedman  
HON. BERNARD A. FRIEDMAN  
UNITED STATES DISTRICT JUDGE

Respectfully submitted

s/ Christopher F. Moriarty

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